
From: Opalski, Dan
To: Henning, Alan; Kubo, Teresa; Eastman, Susan
CC: Croxton, Dave
Sent: 4/17/2014 4:56:05 PM
Subject: RE: Follow-up with [Ex. 6 - Personal Privacy]; Impending Landslide Risk Is Being Ignored

Very nice bit of follow up and communication back, Alan. Thank you. The point about ODF's review landslide risk being limited to public health really is the CZARA rub, as you point out.

From: Henning, Alan
Sent: Thursday, April 17, 2014 1:16 PM
To: Kubo, Teresa; Opalski, Dan; Eastman, Susan
Cc: Croxton, Dave
Subject: Follow-up with [Ex. 6 - Personal Privacy]; Impending Landslide Risk Is Being Ignored

Teresa, Dan and Susan:

I wanted to let you know that I had a very lengthy conversation with [Ex. 6 - Personal Privacy] late Friday afternoon, 4/11, to better understand her complaint and to share with her EPA's role in the site-specific implementaton of the Oregon Department of Forestry's rules. Prior to my conversation with [Ex. 6 - Personal Privacy] I had a lengthy conversation with Dave Waltz, DEQ's Basin Coordinator for the Mid-Coast Basin which includes the property in question.

The property in question is an 80 acre parcel of land of which approximately 55 acres were harvested. It is owned by an individual from California and probably would be considered a small woodland parcel. It is located primarily east of the [Ex. 6 - Personal Privacy] reside. Mr. Waltz provided me site maps, the ODF's Geotech report, and other site related documents. The site contains a mixture of slopes from 30% up, some of which are quite steep. (Dan, this is contrary to my initial understanding and what I initially shared with you. Based on pictures of the site that [Ex. 6 - Personal Privacy] provided DEQ, the slopes didn't appear to be that steep.) The most easterly piece of the 80 acre parcel crests the slope of the watershed and extends into the adjacent watershed.

ODF did complete a "high-landslide hazard location" (HLHL) evaluation of the site, however it appears that the evaluation was conducted after most of the site was harvested. ODF conducts HLHL evaluations on sites to restrict harvest activities in areas that may create landslide risks to public health (loss of life or property). These sites have to be identified by the applicant/owner in the proposed harvest plan/permit application. Land sat maps are used to help identify these sites during the application process. Restrictions from the HLHL evaluations are not applied where there are no public health risks associated with high risk landslide slopes. In other words, ODF's HLHL evaluations only focus on the potential high risk landslide slopes where a public health concern exists. The evaluation does not focus on all of the high risk landslide slopes on a site. (This is one of the key missing management measures identified in the NOAA/EPA proposed decision to disapprove Oregon's Coastal Non-point Pollution Control Program (CZARA decision). NOAA/EPA's position is that management measures for potential high-risk landslide areas should also be protective of water resources.) ODF's evaluation concluded that there were no HLHL sites that were part of this harvest. Timber was harvested from steep slopes on this parcel but those sites did not represent a human health risk or a risk to property.

Based on DEQ's records [Ex. 6 - Personal Privacy] complaints to ODF and DEQ began when the forest harvesting actually began early in 2013. In my conversation with [Ex. 6 - Personal Privacy] greatest concerns now are with the post harvest activities, i.e., the smoke from the slash burning, the application of the herbicides, and the potential landslides from steep slopes left without vegetation. She explained, in great detail, the impacts that the post harvest activities (smoke and pesticide drift) have had on her family.

I explained EPA's role on Oregon forestry issues and how ODF is the appropriate entity for addressing these issues. (wasn't much comfort) I also discussed our current involvement on forestry related activities as it pertains to the CZARA decision and our role in the Triangle Lake investigation. Ex. 6 - Personal Privacy was aware of both and did submit comments on the CZARA decision. I did send her a copy of our proposed CZARA decision document and committed to notifying her when the Triangle Lake study resumed. She has my contact information.

Let me know if you have any questions.

Alan